IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL NO.190 OF 1998
IN
WRIT PETITION NO.1764 OF 1996

Govind Ragho Khairnar ..Appellant
(Orig. Petitioner)

Vs.

Municipal Corporation of
Greater Mumbai & Others ..Respondents.

(Orig.Respondents)

....

None for the Appellant.
Smt. V.K. Khatu for Respondent Nos.1 and 2 (BMC).

....

CORAM : R.M.S. KHANDEPARKAR, &
DR.D.Y.CHANDRACHUD, JJ.

9th January, 2007.

P.C.:

The learned advocate appearing for the Respondent Nos.1 and 2 has placed on record a copy of the order dated 17th January, 2002 passed in relation to the Appellant herein whereby he has been declared to have been exonerated of all the charges levelled against him and his suspension period from 29th June, 1994 to 17th April, 2000

has been condoned and treated as on duty. Undoubtedly the said order was passed subject to the withdrawal of the present appeal. It appears that after having been exonerated from the charges, the Appellant has not taken appropriate steps for withdrawal of the Appeal nor has he appeared before this Court to inform about the order, a copy of which has been placed on record by the learned advocate for the Respondent Municipal Corporation. In any case as rightly submitted by the learned advocate for the Municipal Corporation and in view of the said order exonerating the Appellant from all the charges and treating his suspension period as on duty, nothing survives in the matter. The Appeal accordingly stands disposed of.

There shall be no order as to costs.

(R.M.S.KHANDEPARKAR,, J.)

(DR.D.Y.CHANDRACHUD, J.)